Using independent claim 1 as an example. this claim recites "a communication control logic to cause each of the re-writable data carriers to enter a state of waiting a random period before answering an inquiry from the reading means." This feature is illustrated, for example, in FIG. 7 of the present application. An advantage of this feature is reduced competition between data carriers. Specifically, the answers are separated due to the random waiting periods.

The Examiner does not rely upon Metsuoka et al. as teaching or suggesting these features.

With respect to Shimamura et al., according to the Examiner, the system inherently waits a predetermined time period to process the received information in order to formulate an appropriate response. However, the claimed "waiting" period differs from this inherent period, which is more specifically a "processing period." Such a period is not random, but is based upon the time required to formulate the response. After this processing period, the prior system immediately responds, without any further waiting. Thus, the prior systems do not overcome the problem of competition between carriers. This is because there are no waiting periods, which separate the responses with random waiting periods.

Accordingly, withdrawal of the rejection of claim 1 is requested.

Independent claims 2, 5, 10, 12, 14-17 and 24 recite similar features. Accordingly, withdrawal of the rejections of independent claims 2, 5, 12, 14-17 and 24, and claims 3,6-9, 13 and 18-22 is requested.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Shimamura et al. and further in view of U.S. Patent 3,836,755 to Ehrat.

Claim 4 depends from claim 1, and therefore is patentable over Shimamura et al. for at least the above reasons. It is respectfully submitted that Ehrat does not overcome the deficiencies in Shimamura, and is not relied upon by the Examiner for this purpose.

Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,478,989 to Shepley in view of U.S. Patent 5,875,434 to Matsuoka et al.

Independent claim 11 recites each of the re-writable data carriers entering a state of waiting a predetermined random period before answering. The Examiner does not rely upon

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Shipley as disclosing these features. Instead, the Examiner states that Matsuoka et al. inherently includes these features. However, as discussed above, Matsuoka et al. does not disclose these features.

Accordingly, withdrawal of the rejection of claim 11 is requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____   By: _____
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please **AMEND** claims 1, 2, 5, 10-12, 14-17, 20 and 24 as follows:

1.   (SIX TIMES AMENDED) A charging system for automatically calculating a charge for a dish or drink selected by a customer, comprising:

writing means for writing data in at least two re-writable data carriers, each of the re-writable data carriers being attached to a container of a dish or drink;

reading means for reading data in a non-contact state from the re-writable data carriers, each of the re-writable data carriers including a communication control logic to cause each of the re-writable data carriers to enter a state of waiting a predetermined random period [to answer] before answering an inquiry from the reading means after communicating with the reading means; and

calculating means for calculating the charge using the read data and displaying the charge.

2.   (FIVE TIMES AMENDED) A charging system for automatically calculating a charge for a dish or drink selected by a customer, comprising:

input means for inputting data to be used to calculate a charge; and

writing means for writing the data in at least two re-writable data carriers each of which is attached to a container of a dish or drink and each of the re-writable data carriers entering a state of waiting a predetermined random period [to answer] before answering an inquiry from the writing means after communicating with the writing means.

5.   (FIVE TIMES AMENDED) A charging system for automatically calculating a

charge for a dish and drink selected by a customer, comprising:

reading means for reading data in a non-contact state from at least two re-writable data carriers attached to a container of one or more dishes or drinks selected by the customer, each of the re-writable data carriers entering a state of waiting a predetermined random period [to answer] before answering an inquiry from the reading means after communicating with the reading means and

calculating means for calculating the charge using the read data.

10.   (FIVE TIMES AMENDED) A container used in connection with reading means for reading data for an automatic calculation of a charge of a dish or drink selected by a customer, comprising:

means for holding the dish or drink; and

at least two re-writable data carrier means for selectively recording data to be used to calculate the charge, each of the re-writable data carrier means being attached to a container of the dish or the drink and entering a state of waiting a predetermined random period [to answer] before answering an inquiry from the reading means after communicating with the reading means.

11.   (FIVE TIMES AMENDED) A calorie calculating system for automatically calculating calories of a dish or drink selected by a customer, comprising:

reading means for reading data in a non-contact state from at least two re-writable data carriers, each of the re-writable data carriers being attached to a container of one or more dishes or drinks selected by the customer, each of the re-writable data carriers entering a state of waiting a predetermined random period [to answer] before answering an inquiry from the reading means after communicating with the reading means; and

calculating means for calculating calories of the one or more dishes or drinks using read

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data and displaying the calories.

12. (FIVE TIMES AMENDED) A charging system for automatically calculating a charge for goods selected by a customer, comprising:

reading means for reading data in a non-contact state from at least two re-writable data carriers, each of the re-writable data carriers being attached to a container of one or more items of goods selected by the customer, each of the re-writable data carriers entering a state of waiting a predetermined random period [to answer] before answering an inquiry from the reading means after communicating with the reading means; and

calculating means for calculating the charge for the one or more items of goods using read data and displaying the charge.

14. (FOUR TIMES AMENDED) A computer-readable recording medium encoded with a program for controlling a computer, the program comprising:

inputting data to be used to calculate a charge for a dish or drink selected by a customer; and

writing the data in at least two re-writable data carriers, each of the re-writable data carriers being attached to a container of the dish or drink, each of the re-writable data carriers entering a state of waiting a predetermined random period [to answer] before answering an inquiry from a reading means after communicating with the reading means.

15. (FIVE TIMES AMENDED) A computer-readable recording medium encoded with a program for controlling a computer, the program comprising:

reading data in a non-contact state from at least two re-writable data carriers, each of the re-writable data carriers being attached to a container of one or more dishes or drinks selected by a customer, each of the re-writable data carriers entering a period of waiting a

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predetermined random period [to answer] before answering an inquiry from a reading means after communicating with the reading means:

calculating a charge for the one or more dishes or drinks using the read data; and

displaying the charge.

16. (FIVE TIMES AMENDED) A charging method for automatically calculating a charge for a dish or drink selected by a customer, comprising:

writing data in at least two re-writable data carriers, each of the re-writable data carriers being attached to a container of a dish or drink;

reading data in a non-contact state from the data carriers of one or more dishes or drinks selected by the customer, each of the re-writable data carriers entering a state of waiting a predetermined random period [after to answer] before answering an inquiry from a reading means after communicating with a reading means;

calculating said charge using read data; and

displaying said charge.

17. (THREE TIMES AMENDED) A charging system for automatically calculating a charge for a dish or drink selected by a customer, comprising:

a writing unit writing data in at least two re-writable data carriers, each of the re-writable data carriers being formed as part of a container of a dish or drink;

a reading unit reading data in a non-contact state from the re-writable data carriers, each of the re-writable data carriers entering a state of waiting a predetermined random period [to answer] before answering an inquiry from the reading unit after communicating with the reading unit; and

a calculating unit calculating the charge using the read data and displaying the charge.

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20.   (THREE TIMES AMENDED) A container used in connection with reading means for reading data for automatic calculation of a charge of a dish or drink selected by a customer. comprising:

tableware to hold the dish or drink; and

at least two re-writable data carriers to record data to be used to calculate the charge, each of the re-writable data carriers being attached to a container of the dish or drink, and each of the re-writable data carriers entering a state of waiting a predetermined random period [to answer] before answering an inquiry from the reading means after communicating with the reading means.

24.   (FOUR TIMES AMENDED) The container used in an automatic calculation of a charge of a dish or drink comprising:

an antenna;

a memory;

communication control logic to record data in at least two re-writable data carriers to be used to calculate the charge in said memory, each of the re-writable data carriers being attached to a container of the dish or the drink, and

a voltage generator circuit to provide power to said memory and said communication control logic in response to electromotive force received from said antenna,

each of the re-writable data carriers entering a state of waiting a predetermined random period [to answer] before answering an inquiry from the communication control logic after communicating with the communication control logic.